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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,656	05/20/1999	SHAUN CARL KERIGAN	UK9-99-055	6786

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BRACEWELL & PATTERSON, L.L.P.
INTELLECTUAL PROPERTY LAW
P.O. BOX 969
AUSTIN,, TX 78767-0969

EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/315,656

Applicant(s)

KERIGAN ET AL.

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED OFFICE ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-18, 20-22 are still rejected under 35 U.S.C. 102(e) as being anticipated by Pinder et al.
3. As per claims 1, 13, Pinder et al. discloses processing an encrypted data stream within a computer system adapted to receive the encrypted data stream from a data storage device(i.e. service distribution organization, (103)(see col. 4, lines 16-20, 37-45, col. 7, lines 26-38, 50-56), a data display device coupled to the computer system and having a plurality of data display areas(see col. 4, lines 13-45, col. 7, lines 26-38, 50-56), means for transferring the encrypted data stream from the data storage device to one of the plurality of data display areas, and the encrypted data steam being for display to one of the plurality of data display areas(see col. 4, lines 13-45, col. 7, lines 26-38), decryption means associated with the data display device for receiving the encrypted data stream and for decrypting the encrypted the encrypted data stream to produce a clear data stream for display to one of the plurality of data display areas, wherein the decryption means receives a decryption key from the computer system, the decryption key

relating only to the encrypted data stream associated with the plurality of data display areas(see col. 4, lines 37-60, col. 7, lines 26-38).

4. As per claims 2-3, 14-15, Pinder et al. discloses the decryption key is transmitted during an interval between transmission of successive images or lines to the data display device and is protected by a suitable secure code(i.e. DES algorithm)(see col. 4, lines 37-45, col. 6, lines 21-29). The Examiner asserts that transmitting a decryption key during an interval of successive images is inherent in Mpeg standard.

5. As per claims 4, 16, Pinder et al. discloses data associated with the one of the plurality of data display areas is not output if the decryption key associated with the one of the plurality of data display areas is not received, the Examiner asserts that Pinder et al. discloses this because each channel, such as history channel has a key pair associated with it, the decryption key must be received in order to decrypt or output channel to output area(see col. 4, lines 13-45, col. 8, lines 39-58), data associated with others of the plurality of data display areas is display independent of the receipt or non-receipt of the decryption key associated with the one of the plurality of data display areas, the Examiner asserts that Pinder discloses this because Pinder discloses that channels have a key such as history channel, thus whether the history channel is output or not is not contingent upon other channels which can be output such as pay per view(see col. 4, lines 15-31, col. 12, lines 46-67, col. 13, lines 24-46).

6. As per claims 5, 17, Pinder et al. discloses a data output device is a computer display, and the data display areas are windows displayed on the display is inherent, the Examiner asserts that Pinder discloses this because, Pinder et al. discloses that the service reception component(333), could be a personal computer, thus if a personal computer is used the output would be the display

in windows on the computer screen of different channels(see col. 4, lines 37-59, col. 7, lines 26-39).

7. As per claims 6, 18, Pinder et al. discloses data associated with one of the others of the plurality of data display areas is an encrypted data stream having a decryption key that differs from the decryption key associated with the encrypted data associated with the one of the plurality of data display areas(see col. 4, lines 14-31, 37-46).

8. As per claims 8, 20, the decryption key contains an indication of the number of data display areas associated with the data display device, which display encrypted data(col. 4, lines 15-31, col. 9, lines 30-32).

9. As per claims 9, 21, Pinder et al. discloses a decryption key contains an indication of the relative location of the data display areas where the clear data stream is to be displayed(see col. 4, lines 14-54).

10. As per claims 10, 22, Pinder discloses wherein the decryption key contains an indication of the size of the data display area where the clear stream is to be displayed is inherent in Mpeg(see col. 4, lines 36-67, col. 5, lines 1-10, col. 18, lines 23-36)

11. As per claim 11, Pinder et al. discloses wherein the data storage device is a DVD storage device(see col. 7, lines 50-55).

12. As per claim 12, Pinder et al. discloses wherein the encrypted data stream is a video data stream and the decryption means includes an MPEG video decoder(see col. 6, lines 21-29, col. 9, lines 53-55).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 7, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinder.

15. Pinder is silent on, data associated with others of the plurality of data display areas is an unencrypted data stream having no decryption key.

16. As per claims 7, 19, wherein data associated with others of the plurality of data display areas is an unencrypted data stream having no decryption key, the Examiner asserts that it would have been obvious to have an display area, such as regular program channels that do not require an unencrypted data stream and have no decryption key, the motivation is that these channels for example 4, 7, 9, are public channels that do not require a key, anyone can view these channels.

Response To Amendment

1. The Applicant has responded on 11/18/03, paper number 8, in lieu of Office Action dated 8/13/03. The Examiner has reviewed the Applicant's remarks, and has responded. Applicant's arguments filed 11/18/03 have been fully considered but they are not persuasive. Please see remarks below:

18. First, the Applicant states that Pinder et al. does not disclose or suggest "transmission of encrypted video data to a display device and the decryption of that data on a line-by-line basis with the display device as set forth within the claims of the present application as amended herein". The Applicant stated on page 7 of Applicant's remarks/Amendment dated 11/18/03,

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that Pinder discloses encryption system for transmitting encrypted video signals to a set top box or other device, such as a portable computer. The Examiner asserts that the claims are still rejected by Pinder, because the claim limitations disclose encrypting a data stream. Pinder discloses this because Pinder discloses cable or satellite TV companies, that broadcast many numbers of service/channels(see col. 4, lines 14-20). Pinder also discloses an example, of a particular channel and how it is broadcast, and transmitted to a set top box and thus to a TV for output or display(see col. 4, lines 16-60, col. 7, lines 26-38, 50-56). Pinder discloses that each program, such as a history channel is an instance of a service(see col. 4, lines 15-26). The instance is encrypted, and is transmitted over a transmission medium(see col. 4, lines 26-40). A set top box receives the instance and decrypts it with a key and thus, the channel can be viewed on the TV screen(i.e. display). In regards to a decryption of the data on a line-by-line basis, the Examiner fails to see this limitation disclosed in any of the claims 1-22. The only claims with the limitation of a "line" are claims 3 and 15. Claims 3 and 15 claims, where the decryption key is transmitted during an interval between transmission of successive lines of each image to the data display device and is protected by a suitable secure code. The Examiner asserts that none of the claims disclose the limitation of decryption of data on a line-by-line basis. Therefore, the Applicant's arguments in regards to Pinder not disclosing this feature is moot.

19. Second, the Applicant states Pinder does not show or suggest transmitting unencrypted data to the display device for display when capture of the image associated with that unencrypted data is not prohibited. The Examiner agrees with the Applicant that Pinder does not disclose this limitation; however, the Examiner acknowledged that Pinder does not disclose this limitation

(see previous rejection(pg. 5). The Examiner asserts that it would have been obvious.

Therefore, Applicant's remarks in regards to this feature is moot.

20. Thirdly, the Applicant states that Pinder is silent on a particular decryption key with a particular display area or window within the display device. The Examiner asserts that Pinder does disclose this limitation, because only certain set top boxes will receive the decryption key, because not all subscribers subscribe to the same channels(see col. 4, lines 15-31, 60-67).

FINAL ACTION

21. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



December 22, 2003



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100